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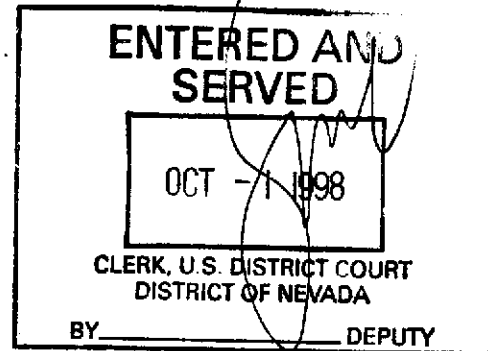
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Attorneys for Plaintiff



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

DAYTON FAMILY PRODUCTIONS, INC.,  
et al.,

Defendants.

CV-S-97-750-PMP (LRL)

STIPULATED FINAL ORDER  
FOR PERMANENT INJUNCTION  
AND SETTLEMENT OF CLAIMS  
FOR MONETARY RELIEF AGAINST  
DEFENDANTS GLEN BURKE, JOHN  
IAVARONE, IGNACIO JIMENEZ,  
KEVIN ROY, J.J. DAYTON  
ASSOCIATES, INC., HIGH VOLTAGE  
PICTURES, INC., HIGH VOLTAGE  
ENTERTAINMENT, INC., and AZTEC  
ESCROW, INC.,

Plaintiff, the Federal Trade Commission ("Commission"), commenced this action by filing its complaint against defendants Dayton Family Productions, Inc., J. J. Dayton Associates, Inc., High Voltage Pictures, Inc., John Rubbico, individually and doing business as J J Family Film Productions, John Iavarone, Glen Burke, Ignacio Jimenez, Kevin Roy, and Fred Davidson.

Stipulated Order

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1 The Commission later amended its complaint to name American Family Productions, Inc.,  
2 American Family Consultants, Inc., High Voltage Entertainment, Inc., Reunion Management,  
3 Inc., Icon Management Services, Inc., Aztec Escrow, Inc., Raymond Filosi, and Richard S. Hart  
4 as additional defendants. The amended complaint alleges that the defendants engaged in unfair  
5 or deceptive acts or practices in violation of Section 5 of the Federal Trade Commission Act  
6 ("FTC Act"), 15 U.S.C. § 45, and of the Telemarketing Sales Rule ("TSR"), 16 C.F.R. Part 310,  
7 and seeks a permanent injunction and monetary relief pursuant to Section 13(b) of the FTC Act  
8 and the TSR. The Commission and these defendants, as hereinafter defined, hereby stipulate to  
9 the entry of this Final Order for Permanent Injunction and Settlement of Claims for Monetary  
10 Relief ("Order"). Being advised of the premises, the Court finds:

11 A. This is an action by the Commission instituted under Sections 5 and 13(b) of the  
12 Federal Trade Commission Act, 15 U.S.C. §§ 45 and 53(b), and the TSR, 16 C.F.R. Part  
13 310. The amended complaint seeks both permanent injunctive relief and consumer  
14 redress for alleged unfair or deceptive acts or practices by these defendants in connection  
15 with the promotion of investments in films.

16 B. The Commission has the authority under Section 13(b) of the FTC Act and the  
17 TSR to seek the relief it has requested.

18 C. This Court has jurisdiction over the subject matter of this case and has jurisdiction  
19 over each of these defendants. Venue in the District of Nevada is proper, and the  
20 complaint states a claim upon which relief may be granted against these defendants under  
21 Sections 5 and 13(b) of the FTC Act and under the TSR.

22 D. The activities of these defendants are in or affecting commerce, as defined in 15  
23 U.S.C. § 44.

24 E. Each of these defendants neither admits nor denies the allegations set forth in the  
25 amended complaint.

26 F. Each of these defendants waives all rights to seek judicial review or otherwise

1 challenge or contest the validity of this Order. Each of these defendants also waives any  
2 claim that he or it may have held under the Equal Access to Justice Act, 28 U.S.C.  
3 § 2412, concerning the prosecution of this action to the date of this Order. Each of these  
4 defendants shall bear his or its own costs and attorneys fees incurred in connection with  
5 this action.

6 G. The Commission and the defendants have agreed that the entry of this Order  
7 resolves all matters of dispute between them arising from the complaint in this action, up  
8 to the date of entry of this Order. This action and the relief awarded herein are in addition  
9 to, and not in lieu of, other remedies as may be provided by law, including both civil and  
10 criminal remedies.

11 H. Consistent with the principles set forth in United States v. Halper, 490 U.S. 435  
12 (1989), each of these defendants, by signing and stipulating to this Order, acknowledges  
13 and agrees that this civil action has not placed him or it in jeopardy and that this Order  
14 does not preclude subsequent criminal action against him or it.

15 I. Entry of this Order is in the public interest.

16 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

17 **DEFINITIONS**

18 I. For purposes of this Order, the following definitions shall apply:

19 A. "Telemarketing" means a plan, program, or campaign which is conducted to  
20 induce the purchase of goods or services by use of one or more telephones and which  
21 involves more than one interstate telephone call. The term does not include the  
22 solicitation of sales through the mailing of a catalog which: contains a written description  
23 or illustration of the goods or services offered for sale; includes the business address of  
24 the seller; includes multiple pages of written material or illustrations; and has been issued  
25 not less frequently than once a year, when the person making the solicitation does not  
26 solicit customers by telephone but only receives calls initiated by customers in response

1 to the catalog and during those calls takes orders only without further solicitation. For  
2 purposes of the previous sentence, the term "further solicitation" does not include  
3 providing the customer with information about, or attempting to sell, any other item  
4 included in the same catalog which prompted the customer's call or in a substantially  
5 similar catalog. The term "telemarketing" does not include telephone calls initiated by a  
6 consumer in response to an advertisement through any media, other than direct mail or e-  
7 mail solicitations; provided, however, that this exception does not apply to calls initiated  
8 by a consumer in response to an advertisement relating to investments.

9 B. "Assisting others" means knowingly providing any of the following goods or  
10 services to any person or entity (1) performing customer service functions for an entity  
11 including, but not limited to, receiving or responding to consumer complaints; (2)  
12 formulating or providing, or arranging for the formulation or provision of, any telephone  
13 sales script or any other marketing material for an entity; (3) providing names of, or  
14 assisting in the generation of, potential customers for an entity; or (4) performing  
15 marketing services of any kind for an entity.

16 C. Unless otherwise indicated, the term "these defendants" or "defendants" refers to  
17 and includes the following individuals: John Iavarone, Glen Burke, Ignacio Jimenez, and  
18 Kevin Roy (the "individual defendants"); and refers to the following corporations or  
19 business entities: J. J. Dayton Associates, Inc., High Voltage Pictures, Inc., High Voltage  
20 Entertainment, Inc., and Aztec Escrow, Inc. (the "corporate defendants").

## 21 PROHIBITED BUSINESS PRACTICES

22 II. THEREFORE, IT IS HEREBY ORDERED that defendants and their agents, employees,  
23 officers, and servants, and all other persons or entities in active concert or participation with  
24 them who receive actual notice of this order by personal service or otherwise, in connection with  
25 the advertising, promotion, offer for sale, or sale of any item, product, good, service, or  
26 investment interest of any kind, including but not limited to investments in films, are hereby

1 restrained and enjoined from:

2 A. Misrepresenting, directly or by implication:

- 3 1. the returns, revenues, or profits that any film has generated for investors;
- 4 2. the performance (including gross revenues generated and box office
- 5 receipts) of any film;
- 6 3. the awards received by any film or by any person who has worked on or
- 7 been associated with a film;
- 8 4. the likely profits to be made through any investment involving films or
- 9 any other investment;
- 10 5. the amount of money or other capital that will be raised for any investment
- 11 involving films or any other investment;
- 12 6. the purposes for which funds raised from consumers will be used;
- 13 7. the costs associated with the advertising, promotion, offer for sale, or sale
- 14 of any item, product, good, service, or investment, including but not limited to
- 15 any investment involving films;
- 16 8. the risk, liquidity, market value, resale value, or expected income or profit
- 17 associated with any item, product, good, service, or investment, including but not
- 18 limited to any investment involving films;

19 B. Misrepresenting, in any manner, directly or by implication, or failing to disclose

20 any fact material to a consumer's decision to purchase any item, product, good, service, or

21 investment, including but not limited to any investment involving films;

22 C. Assisting others in violating any provision in Subsections A and B of this

23 Paragraph;

24 D. Violating or assisting others to violate any provision of the Telemarketing Sales

25 Rule, 16 C.F.R. Part 310, including but not limited to: misrepresenting, directly or by

26 implication "[a]ny material aspect of an investment opportunity including, but not limited

1 to, risk, liquidity, earnings potential, or profitability." 16 C.F.R. § 310.3(a)(2)(vi).

2 **BAN ON TELEMARKETING**

3 III. IT IS FURTHER ORDERED that defendants John Iavarone, Glen Burke, Ignacio  
4 Jimenez, Kevin Roy, J. J. Dayton Associates, Inc., High Voltage Pictures, Inc., High Voltage  
5 Entertainment, and Aztec Escrow, Inc. are hereby permanently restrained and enjoined from  
6 either (1) engaging in telemarketing; or (2) assisting others in telemarketing.

7 **LISTS**

8 IV. IT IS FURTHER ORDERED that defendants and their officers, agents, servants, and  
9 employees, and all other persons or entities in active concert or participation  
10 with them who receive actual notice of this Order by personal service or otherwise, are  
11 permanently restrained and enjoined from selling, renting, leasing, transferring, or otherwise  
12 disclosing the name, address, telephone number, credit card number, bank account number,  
13 e-mail address, or other identifying information of any person who paid any money to any  
14 defendant, at any time prior to entry of this Order, in connection with investments involving  
15 films. *Provided* that defendants may disclose such identifying information with the express  
16 written consent of the person whose information is disclosed, to a law enforcement agency, or as  
17 required by any law, regulation, or court order.

18 **MONETARY RELIEF**

19 V. IT IS FURTHER ORDERED:

20 A. That judgment is hereby entered against each of the defendants, jointly and  
21 severally, in the amount of TEN THOUSAND DOLLARS (\$10,000) for equitable  
22 monetary relief, including but not limited to consumer redress, and for paying any  
23 attendant expenses of administering any redress fund. This \$10,000 judgment shall be  
24 separate and in addition to any assets turned over to the Commission pursuant to  
25 Paragraph VI of this Order.

26 B. That any funds paid by defendants pursuant to Paragraphs V and VI of this Order

1 shall be paid into a redress fund administered by the Commission. If the Commission, in  
2 its sole discretion, determines that redress is wholly or partially impractical, any funds not  
3 so used shall be deposited into the United States Treasury as an equitable disgorgement  
4 remedy. Defendants shall have no right to contest the manner of distribution chosen by  
5 the Commission or its designated agent.

#### 6 **TURNOVER OF FROZEN ASSETS**

7 VI. IT IS FURTHER ORDERED THAT all funds in the following previously frozen  
8 accounts shall be transferred to the Commission:

- 9 - Nevada Federal Credit Union account number 182580234, to which defendant  
10 Iavarone is a signatory (approximate balance = \$1,811);
- 11 - First Bank of Beverly Hills account number 0150600716, to which defendant  
12 Burke is a signatory (approximate balance = \$545);
- 13 - California Federal Bank account number 894-4023962, to which defendant  
14 Ignacio Jimenez is a signatory (approximate balance = \$375);
- 15 - California Federal Bank account number 894-4007189, to which defendant  
16 Ignacio Jimenez is a signatory (approximate balance = \$2,200);
- 17 - American Express account number 3783-497460-62004, to which defendant  
18 Iavarone is a signatory (approximate balance = \$785); and
- 19 - American Bank of Commerce account number 404017796, to which defendant  
20 Burke is a signatory (approximate balance = \$3,816).

21 For each of the foregoing transfers, the Commission shall be responsible for any withdrawal  
22 penalties and fees to the extent that such penalties and fees do not exceed the value of the  
23 transfer.

#### 24 **ORDER DISTRIBUTION**

25 VII. IT IS FURTHER ORDERED that, for a period of three years from the date of entry of  
26 this Order, each individual defendant shall:

1 A. Provide a copy of this Order to, and obtain a signed and dated acknowledgment of  
2 receipt of same from, each officer or director, each individual serving in a management  
3 capacity, all personnel involved in responding to consumer complaints or inquiries, and  
4 all sales personnel, whether designated as employees, consultants, independent  
5 contractors or otherwise, immediately upon employing or retaining any such persons, for  
6 any business where (1) that individual defendant is the majority owner of the business or  
7 otherwise directly or indirectly manages or controls the business, and where (2) the  
8 business engages in, or assists others engaged in, telemarketing or the sale of  
9 investments; and

10 B. Maintain for a period of three (3) years after creation, and upon reasonable notice,  
11 make available to representatives of the Commission, the original signed and dated  
12 acknowledgments of the receipt of copies of this Order, as required in Subpart A of this  
13 Paragraph.

#### 14 15 **RECORD KEEPING PROVISIONS**

16 VIII. IT IS FURTHER ORDERED that, for a period of three years from the date of entry of  
17 this Order, each individual defendant and his officers, agents, servants, and employees, and all  
18 other persons or entities in active concert or participation with him who receive actual notice of  
19 this Order by personal service or otherwise, in connection with any business where (1) said  
20 individual defendant is the majority owner of the business or directly or indirectly manages or  
21 controls the business, and where (2) the business engages in, or assists others engaged in,  
22 telemarketing or the sale of investments, is hereby restrained and enjoined from:

23 A. Failing to create, and from failing to retain for a period of three (3) years  
24 following the date of such creation, unless otherwise specified:

- 25 1. Books, records, and accounts that, in reasonable detail, accurately and  
26 fairly reflect the cost of goods or services sold, revenues generated, and the



1           disbursement of such revenues;

2           2.       Records accurately reflecting: the name, address, and telephone number of  
3           each person employed in any capacity by such business, including as an  
4           independent contractor; that person's job title or position; the date upon which the  
5           person commenced work; and the date and reason for the person's termination, if  
6           applicable. The business subject to this paragraph shall retain such records for  
7           any terminated employee for a period of two (2) years following the date of  
8           termination;

9           3.       Records containing the names, addresses, phone numbers, dollar amounts  
10          paid, quantity of items, services or investments purchased, and description of  
11          items, services, or investments purchased for all consumers to whom such  
12          business has sold, invoiced or shipped any good, service, or investment;

13          4.       Records that reflect, for every consumer complaint or refund request,  
14          whether received directly or indirectly or through any third party;

15               a.     the consumer's name, address, telephone number and the dollar  
16               amount paid by the consumer;

17               b.     the written complaint or refund request, if any, and the date of the  
18               complaint or refund request;

19               c.     the basis of the complaint, including the name of any salesperson  
20               complained against, and the nature and result of any investigation  
21               conducted concerning any complaint;

22               d.     each response and the date of the response;

23               e.     any final resolution and the date of the resolution; and

24               f.     in the event of a denial of a refund request, the reason for the  
25               denial; and

26          5.       Copies of all sales scripts, training materials, advertisements, or other

1 marketing materials utilized; *provided* that copies of all sales scripts, training  
2 materials, advertisements, or other marketing materials utilized shall be retained  
3 for three (3) years after the last date of dissemination of any such materials.

4 B. Destroying, throwing away, mutilating, changing, concealing, altering,  
5 transferring, or otherwise disposing of, in any manner, directly or indirectly, any books,  
6 records, tapes, discs, accounting data, checks (fronts and backs), correspondence, forms,  
7 advertisements, brochures, manuals, electronically stored data, banking records,  
8 consumer lists, files, invoices, telephone records, ledgers, payroll records, or other  
9 business or financial documents of any kind, including information stored in computer-  
10 maintained form, in the possession, custody, or control of defendant or any other person  
11 or entity in active concert or participation with defendant.

12 **COMPLIANCE REPORTING BY DEFENDANTS**

13 IX. IT IS FURTHER ORDERED that, in order that compliance with the provisions of this  
14 Order may be monitored:

15 A. For a period of three years from the date of entry of this Order, each individual  
16 defendant shall notify the Commission in writing within 30 days of the following:

- 17 1. Any changes in the defendant's residence, mailing addresses, and  
18 telephone numbers within 10 days of such change;
- 19 2. Any changes in the defendant's employment status (including self-  
20 employment) within 10 days of such change. Such notice shall include the name  
21 and address of each business that the defendant is affiliated with or employed by,  
22 a statement of the nature of the business, and a statement of the defendant's duties  
23 and responsibilities in connection with the business or employment; and
- 24 3. Any proposed change in the structure of any business entity owned or  
25 controlled by the defendant, such as creation, incorporation, dissolution,  
26 assignment, sale, merger, creation, dissolution of subsidiaries, proposed filing of

1 bankruptcy petition, or change in the corporate name or address, or any change  
2 that may affect compliance obligations arising out of this Order, thirty (30) days  
3 prior to the effective date of any proposed change; *provided*, however, that, with  
4 respect to any proposed change in the corporation about which the defendant  
5 learns less than thirty (30) days prior to the date such action is to take place, the  
6 defendant shall notify the Commission as soon as is practicable after learning of  
7 such proposed change;

8 B. One hundred eighty (180) days after the date of entry of this Order, each  
9 defendant shall provide a written report to the Commission, sworn to under penalty of  
10 perjury, setting forth in detail the manner and form in which the defendant has complied  
11 and is complying with this Order. This report shall include but not be limited to:

- 12 1. The defendant's then current residence (if an individual defendant) or  
13 business address (if a corporate defendant) and telephone number;
- 14 2. For individual defendants, the defendant's then current employment,  
15 business addresses and telephone numbers, a description of the business activities  
16 of each such employer, and the defendant's title and responsibilities for each  
17 employer;
- 18 3. A copy of each acknowledgment of receipt of this Order obtained by each  
19 defendant pursuant to Paragraph VII of this Order;
- 20 4. A statement describing the manner in which the defendant has complied  
21 and is complying with Paragraphs II through VIII of this Order; and

22 C. Upon written request by a representative of the Commission, defendants shall  
23 submit additional written reports (under oath, if requested) and produce documents on  
24 fifteen (15) days' notice with respect to any conduct subject to this Order;

25 D. For the purposes of this Order, defendants shall, unless otherwise directed by the  
26 Commission's authorized representatives, mail all written notifications to:

1 Associate Director for Service Industry Practices  
2 Room H-200  
3 Federal Trade Commission  
4 Washington, D.C. 20580  
5 Re: FTC v. Dayton Family Productions

6 E. For the purposes of this Paragraph, "employment" includes the performance of  
7 services as an employee, consultant, or independent contractor; and "employers" include  
8 any individual or entity for whom any defendant performs services as an employee,  
9 consultant, or independent contractor.

#### 10 **COMMISSION'S AUTHORITY TO MONITOR COMPLIANCE**

11 X. IT IS FURTHER ORDERED that the Commission is authorized to monitor defendants'  
12 compliance with this Order by all lawful means, including but not limited to the following  
13 means:

14 A. The Commission is authorized, without further leave of court, to obtain discovery  
15 from any person in the manner provided by Chapter V of the Federal Rules of Civil  
16 Procedure, Fed. R. Civ. P. 26 - 37, including the use of compulsory process pursuant to  
17 Fed. R. Civ. P. 45, for the purpose of monitoring and investigating defendants'  
18 compliance with any provision of this Order;

19 B. The Commission is authorized to use representatives posing as consumers and  
20 suppliers to defendants, defendants' employees, or any other entity managed or controlled  
21 in whole or in part by defendants, without the necessity of identification or prior notice;

22 C. Nothing in this Order shall limit the Commission's lawful use of compulsory  
23 process, pursuant to Sections 9 and 20 of the FTC Act, 15 U.S.C. §§ 49, 57b-1, to  
24 investigate whether any defendant has violated any provision of this Order or Section 5 of  
25 the FTC Act, 15 U.S.C. § 45.

#### 26 **ACCESS TO BUSINESS PREMISES**

XI. IT IS FURTHER ORDERED that, for a period of three years from the date of entry of  
this Order, for the purpose of further determining compliance with this Order, each defendant

1 shall permit representatives of the Commission, within three (3) business days of receipt of  
2 written notice from the Commission:

3       A.     Access during normal business hours to any office, or facility storing documents,  
4             of any business where the named defendant is the majority owner of the business or  
5             directly or indirectly manages or controls the business, and where the business is engaged  
6             in telemarketing or the sale of investments, or assisting others engaged in said activities.  
7     In providing such access, defendants shall permit representatives of the Commission to  
8     inspect and copy all documents relevant to any matter contained in this Order; and shall  
9     permit Commission representatives to remove documents relevant to any matter  
10    contained in this Order for a period not to exceed five (5) business days so that the  
11    documents may be inspected, inventoried, and copied; and

12    B.     To interview the officers, directors, and employees, including all personnel  
13    involved in responding to consumer complaints or inquiries, and all sales personnel,  
14    whether designated as employees, consultants, independent contractors or otherwise, of  
15    any business to which Subsection A of this Paragraph applies, concerning matters relating  
16    to compliance with the terms of this Order. The person interviewed may have counsel  
17    present.

18    *Provided* that, upon application of the Commission and for good cause shown, the Court may  
19    enter an *ex parte* order granting immediate access to defendants' business premises for the  
20    purposes of inspecting and copying all documents relevant to any matter contained in this Order.

#### 21                                   **SUBSEQUENT PROCEEDINGS**

22    XII.    Notwithstanding any other provision of this Order, defendants agree that the facts as  
23    alleged in the complaint shall be taken as true in any subsequent litigation filed by the  
24    Commission to enforce this Order, including but not limited to a non-dischargeability complaint  
25    in any subsequent bankruptcy proceeding.

1     **REAFFIRMATION OF FINANCIAL STATEMENT AND ACKNOWLEDGMENT OF**  
2     **RECEIPT OF FINAL ORDER**

3     XIII. IT IS FURTHER ORDERED that, within five business days from the date of entry of this  
4     Order, each defendant shall submit to the Commission a truthful sworn statement in a form  
5     substantially similar in language to Attachment A that shall acknowledge receipt of this Order  
6     and reaffirm and attest to the truth, accuracy and completeness of that defendant's financial  
7     statements previously submitted to the Commission.

8     **RIGHT TO REOPEN**

9     XIV. IT IS FURTHER ORDERED that the Commission's agreement to this Order is expressly  
10    premised upon the truthfulness, accuracy, and completeness of defendants' financial condition as  
11    represented in each of the defendants' financial statements previously submitted to the  
12    Commission, which contain material information relied upon by the Commission in negotiating  
13    and agreeing to the terms of this Order. If the Commission has reason to believe that any of the  
14    above-referenced financial statements failed to disclose any material asset, materially  
15    misrepresented the value of any asset, or made any other material misrepresentation or omission,  
16    the Commission may request that this Order be reopened for the sole purpose of allowing the  
17    Commission to modify the monetary liability of the defendant who submitted the financial  
18    statement. If the Court finds that such defendant failed to disclose any material asset, materially  
19    misrepresented the value of any asset, or made any other material misrepresentation or omission  
20    in the above-referenced financial statement, the Court shall enter judgment against that  
21    defendant, in favor of the Commission, in the amount of one million dollars (\$1,000,000), less  
22    the amount the defendants have already paid to the Commission under Paragraph V of this  
23    Order; *provided*, however, that in all other respects this Order shall remain in full force and effect  
24    unless otherwise ordered by the Court and that such defendant has no right to contest any of the  
25    allegations in the Commission's complaint in this matter in any proceedings brought pursuant to  
26    this Paragraph.

1  
2 **RETENTION OF JURISDICTION**

3 XV. IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for all  
4 purposes.

5 **ENTRY OF THIS JUDGMENT**

6 XVI. IT IS FURTHER ORDERED that there is no just reason for delay of entry of this  
7 judgment, and that, pursuant to Fed. R. Civ. P. 54(b), the Clerk shall enter this Order  
8 immediately.  
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1 STIPULATED AND AGREED TO:

2  
3 Jerome M. Steiner Jr. for  
4 Gregg Shapiro  
5 Jerome M. Steiner, Jr.  
6 Federal Trade Commission  
7 Blaine T. Welsh  
8 Assistant United States Attorney

9  
10 Attorneys for Plaintiff  
11 Federal Trade Commission

12  
13 John Spilotro  
14 Spilotro & Kulla  
15 Attorney for Defendant John Iavarone

16  
17 Glen Burke  
18 Defendant

19  
20 Lonnie Paulus  
21 Aztec Escrow, Inc., by Lonnie Paulus aka  
22 Lonnie Little, President

23  
24 IT IS SO ORDERED.

25  
26 Dated: Sept 30, 1998

John Iavarone  
John Iavarone, Individually and as  
President of Defendant High Voltage  
Pictures, Inc., and Defendant High  
Voltage Entertainment, Inc.

Scott Cantor  
Scott Cantor  
Graziadei & Cantor  
Attorney for Defendants Glen Burke,  
Ignacio Jimenez, and Kevin Roy

Ignacio Jimenez  
Defendant

Kevin Roy  
Kevin Roy, Individually and as President  
of Defendant J.J. Dayton Associates, Inc.

The Honorable Philip M. Pro  
United States District Judge



ATTACHMENT A

1. My name is \_\_\_\_\_. I am a citizen of the United States and am over the age of 18. I reside in \_\_\_\_\_. I have knowledge of the matters discussed in this declaration.

2. I am a defendant in FTC v. Dayton Family Productions, Inc. et al., CV-S-97-750-PMP (RLH) (U.S. District Court, District of Nevada).

3. I have received a copy of the Stipulated Final Order for Permanent Injunction and Settlement of Claims for Monetary Relief entered against me in FTC v. Dayton Family Productions, Inc., et al.

4. The information contained in the Financial Statement executed by me on \_\_\_\_\_, and previously provided to the Federal Trade Commission, was true, accurate, and complete on \_\_\_\_\_.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: \_\_\_\_\_

Stipulated Order